

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

PAINTERS DISTRICT COUNCIL NO.)
2, et al.,)
)
Plaintiffs,)
)
v.)
)
ARCHITECTURAL PAINTING)
SERVICES, et al.,)
)
Defendants.)

Case No. 4:12 CV 2379 RWS

MEMORANDUM AND ORDER

This closed case has been reassigned to me upon the filing of a motion to revive a consent judgment¹ entered in this case in 2015. ECF 28. The motion is one page long, cites no relevant authority, and contains no supporting memorandum. In addition, it appears that it was served only on defense counsel from ten years ago via the Court's electronic filing system. The consent judgment appears in the record as an exhibit to ECF 25. It was granted by the Court by docket text order ECF 27 but was never separately docketed and filed. This consent judgment refers to a Promissory Note attached as an exhibit to the judgment, but that Promissory Note was not filed.

¹ The motion refers to the judgment as one of default, but it is in fact a consent judgment.

The Court cannot grant the motion as currently filed. The motion is denied without prejudice to an amended motion being filed in accordance with the Court's local rules, which requires a supporting memorandum. That memorandum shall, at a minimum, set out the nature and procedural history of this litigation, the legal authority for revival of the consent judgment, and address any timeliness issues that may arise respecting revival of the consent judgment. The memorandum shall also include a certification that plaintiffs' counsel has contacted defense counsel and inquired whether he is in fact still counsel for defendants and representing them in this matter. If defense counsel cannot be reached or no longer represents defendants, then plaintiffs must serve a copy of this Memorandum and Order and any amended motion upon defendants via process server and file proof of service with this Court within five (5) days of service before the Court will rule on any amended motion. In addition, plaintiffs shall file with any amended motion a complete copy of the consent judgment which includes the referenced Promissory Note.

Accordingly,

IT IS HEREBY ORDERED that the motion to revive consent judgment [28] is denied without prejudice to an amended motion being filed in accordance with the requirements set out above.

A handwritten signature in dark ink, appearing to read "Rodney W. Sippe", is written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 10th day of January, 2025.